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13 Attorneys for Defendants
14 WELLS FARGO BANK, N.A.; WELLS FARGO &
COMPANY

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION
17

18 MONTE RUSSELL and DANIEL
19 FRIEDMAN, on behalf of themselves
and others similarly situated,

20 Plaintiff,

21 vs.

22 WELLS FARGO & COMPANY and
23 WELLS FARGO BANK, N.A.,

24 Defendants.
25

CASE NO. C 07-03993 CW

JUDGE CLAUDIA WILKEN
COURTROOM 2

**ORDER GRANTING AS
MODIFIED STIPULATION RE
CONTINUATION OF PRE-TRIAL
DEADLINES AND REQUESTING
STATUS CONFERENCE**

26 Plaintiffs Monte Russell and Daniel Friedman (“Plaintiffs”) and Defendants
27 Wells Fargo Bank, N.A. and Wells Fargo & Company (“Defendants”), through
28 their respective counsel, pursuant to Local Rule 6-2, hereby stipulate as follows:

1 WHEREAS, on September 11, 2008, Plaintiff Monte Russell filed a Notice
2 of Motion and Motion to Strike or Otherwise Invalidate Defendant's Rule 68 Offers
3 of Judgment ("Motion");
4

5 WHEREAS, on September 23, 2008, the Court issued a Minute Order and
6 Case Management Order, which sets forth the pre-trial deadlines governing this
7 collective and proposed class action, including the briefing deadlines associated
8 with Plaintiff's Motion to Strike or Otherwise Invalidate Defendant's Rule 68
9 Offers of Judgment;
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11 WHEREAS, on September 30, 2008, Plaintiffs filed an Amended Notice of
12 Motion and Motion to Strike or Otherwise Invalidate Defendant's Rule 68 Offers of
13 Judgment, setting the hearing date on the Motion for December 11, 2008;
14

15 WHEREAS, on November 20, 2008, December 23, 2008, January 30, 2009,
16 and March 4, 2009, respectively, this Court approved the parties' stipulations
17 seeking continuation of the hearing date on Plaintiffs' Motion to Strike. In those
18 stipulated filings, the parties notified the Court that they had ceased discovery to
19 focus on settlement efforts;
20

21 WHEREAS, Defendant's response to Plaintiffs' Motion to Strike is currently
22 due on April 16, 2009, and the Motion is to be argued and heard before this Court
23 on May 7, 2009, at 2:00 p.m.;
24

25 WHEREAS, Plaintiff Daniel Friedman's motion for class certification of
26 Plaintiff's state law claims pursuant to Rule 23 of the Federal Rules of Civil
27 Procedure is due on or before April 30, 2009, and the Motion is to be heard and
28 argued before this Court on June 25, 2009, at 2:00 p.m.;

1 WHEREAS, the parties are continuing to actively engage in extensive and
2 thorough settlement negotiations and, as of September 30, 2008, have halted
3 discovery and other litigation pending their settlement negotiations;
4

5 WHEREAS, the parties presently are actively engaged in settlement
6 discussions with the assistance of the Honorable Edward A. Infante (Ret.); and
7

8 WHEREAS, the parties wish to conserve their and the Court's resources in
9 the event that a settlement is reached.

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12 NOW, THEREFORE, through their respective counsel, THE PARTIES
13 HEREBY STIPULATE AS FOLLOWS:
14

15 1. The parties request that the Court continue all pre-trial deadlines,
16 including all briefing deadlines associated with Plaintiffs' Motion to Strike and
17 Plaintiffs' Motion for Class Certification.
18

19 2. The parties further request that the Court schedule a status conference
20 in the second half of June 2009, at which point the parties will advise the Court as
21 to the status of the parties' settlement negotiations and, in the event the case has not
22 been resolved, propose an appropriate scheduling order.

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1 DATED: April 15, 2009

LARSON KING, LLP
T. JOSEPH SNODGRASS
KELLY A. SWANSON

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3
4 By: /s/ T. JOSEPH SNODGRASS
T. JOSEPH SNODGRASS

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6 Attorneys for Plaintiffs
MONTE RUSSELL and DANIEL FRIEDMAN

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8
9 DATED: April 15, 2009

HODEL BRIGGS WINTER LLP
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11
12 By: /s/ THERESA A. KADING
THERESA A. KADING

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14 Attorneys for Defendants
WELLS FARGO BANK, N.A.; WELLS FARGO
& COMPANY

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. **THE HEARING DATES FOR THE MOTION TO STRIKE AND THE MOTION FOR CLASS CERTIFICATION ARE VACATED. A FURTHER CASE MANAGEMENT CONFERENCE WILL BE HELD ON JUNE 23, 2009 AT 2:00 P.M. ALL OTHER PRETRIAL AND TRIAL DATES REMAIN IN EFFECT.**

4/23

Dated: _____, 2009



CLAUDIA WILKEN
DISTRICT COURT JUDGE